



# புதுச்சேரி மாநில அரசிதழ்

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அதிகாரம் பெற்ற வெளியீடு

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பொருளடக்கம்

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**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 66/AIL/Lab./T/2021,  
Puducherry, dated 6th October 2021)

**NOTIFICATION**

Whereas, an Award in I.D. (L) No. 11/2017, dated 26-08-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. SAB Miller India Limited, Unit: Sica Breweries, Puducherry and Thiruvallargal K. Raji and V. Krishnamoorthy, Puducherry, over reinstatement with back wages and other statutory benefits has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**D. MOHAN KUMAR,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-  
LABOUR COURT AT PUDUCHERRY**

*Present* : Thiru R. BHARANIDHARAN, M.L.  
Presiding Officer.

*Thursday, the 26th day of August 2021.*

**I.D. (L) No. 11/2017**

**in**

**C.N.R. No. PYPY060000352017**

1. K. Raji,  
No. 1, Ellai Pidariamman Koil Street,  
Ragavendhra Nagar, Kurumbapet,  
Puducherry.
2. V. Krishnamurthy,  
No. 14, Vivekanandhar Street,  
Pudu Nagar, Oulgaret,  
Puducherry. . . Petitioner

*Versus*

The Managing Director,  
M/s. SAB Miller India Limited,  
Unit: Sica Breweries,  
Ayyankuttipalayam,  
Muthirayarpalayam Post,  
Puducherry. . . Respondent

This Industrial Dispute coming on 28-07-2021 before me for final hearing in the presence of Thiru Mohan Keerthikumar, Counsel for the petitioners and Thiruvallargal R. Thirumavalavan and R. Ramachandiran, Counsel for the respondent, upon hearing, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

**AWARD**

1. This Industrial Dispute has been referred by the Government of Puducherry as per the G.O. Rt. No. 37/AIL/LAB/T/2017, dated 05-04-2017 for adjudicating the following:-

(a) Whether the dispute raised by Thiruvallargal K. Raji and V. Krishnamoorthy against the management of M/s. SAB Miller India Limited, Unit: Sica Breweries, Puducherry, over reinstatement with back wages and other statutory benefits is justified? If justified, what relief they are entitled to?

(b) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. *The case of the petitioner, in brief, are as follows:*

The petitioners joint as Operators in the respondent company on 25-09-1995 and 12-09-1996 respectively. The petitioners are the members of SICA Breweries Thozhilalargal Munnetra Sangam affiliated to AICCTU. Since, the petitioners are active members of Union and the respondent management suspended them on 19-09-2013 and ordered for Domestic Enquiry. The petitioners were transferred by letter, dated 05-09-2013 and 10-09-2013. The respondent management has lodged a complaint against the petitioners with Mettupalayam Police Station alleging that they were attempted to kill the Managers. The petitioners were transferred to Paradeep of Orissa and Sangareddi Andhra Pradesh in order to penalize them. Both the petitioners were terminated from the service from 04-11-2014. Advocate Thiruvallargal Edward Kumar was appointed as Enquiry Officer. Since, the petitioners has received a notice from the advocate, they have not participated in the enquiry, an *ex parte* enquiry was conducted against the petitioners and held charges were proved against them. The present petition is filed to declare the transfer orders and termination orders are legally not sustainable.

3. *The brief averments in the counter filed are as follows:*

The respondent is running Breweries Factory at Puducherry and having its registered office at Andheri East, Mumbai. The respondent management transferred the petitioners on 05-09-2013 and

10-09-2013 to the factories located at Orissa and Hyderabad. On 13-09-2013 the petitioners threatened the Breweries Manager and H.R. Manager with dire consequences of killing them. Hence, the F.I.R lodged with Mettupalayam Police Station in Cr.No. 93/2013 and the petitioners were suspended immediately. Show cause notice was served on the petitioner on 16-11-2013 alleging various charges.

The management appointed Thiru Edward Kumar, Practicing Advocate as an Enquiry Officer to conduct domestic enquiry. The petitioners refused to attend the domestic enquiry and letter, dated 30-12-2013 addressed to the Enquiry Officer stating that they did not know the Enquiry Officer and the Enquiry Officer should not write any letter to them. In the said enquiry, the petitioners were set *ex parte* and management witnesses were examined and the Enquiry Officer given its report, dated 25-09-2014 and found all the charges levelled against the petitioners were proved. The management sent second show cause notice, dated 18-09-2014 to show cause against the proposed punishments of dismissal from service. The said notice was returned as the petitioners refused to claim. The Disciplinary Authority passed speaking order, dated 04-11-2014 by awarding the punishment of dismissal from service with immediate effect. The said letter was received by the petitioners. The statutory dues were paid through cheque, dated 25-12-2014 which was not claimed by the petitioners. The petitioners has filed O.S. No. 1902/2013 and O.S. No. 1899/2013 on the filed of the I Additional District Munsif, Puducherry, for staying the transfer order. As per the standing orders of the company refusal to accept the transfer order from one place to another place is a misconduct. After termination of the petitioners they have addressed a letter, dated 17-06-2015 through Sica Breweries Thozhilalargal Munnetra Sangam for reinstatement. The petitioners have also instigated the Union to a disturb the production activities of the respondent company. The Enquiry Authority after giving fair opportunities to the petitioners as conduct the enquiry and found them guilty. In conduct of the enquiry, the Enquiry Officer was followed the principles of natural justice. The allegation stated in the claim statement is not true and prayed for dismissal of the petition.

4. *The points for consideration are:*

Whether the dispute raised by the petitioners against the respondent management over reinstatement with back wages and other statutory benefits is justified or not ? If justified, what is the relief entitled to the petitioners ?

5. On the petitioner side Thiru K. Raji was examined as PW.1. and through him EX.P1 to EX.P9 were marked. In the chief affidavit filed by the petitioner PW.1 has deposed that since, he was an active member of the Sica Breweries Thozhilalargal Munnetra Sangam affiliated to AICCTU. The respondent management has suspended him from service on 19-09-2013. The respondent management has also lodged criminal complaint against him. In respect of enquiry, he has received a letter from an Advocate Mr. Edward Kumar and he has not received any communication from the management side. The petitioner was transferred to Paradeep, Orissa in order to penalize him. Earlier to the termination the respondent has issued show cause notice to answer the charge framed against the petitioner. Since, the letter is received from an Advocate the petitioner did not attend the enquiry. The petitioner was set *ex parte* in the enquiry and an *ex parte* order was passed stating that the charges were proved. PW.2 Thiru Krishnamoorthy was examined as PW.2 and through him EX.PI0 to EX.P.12 were marked. PW.2 has filed an affidavit, in his chief examination he has deposed that he was transferred to Sangareddi at Andhra Pradesh in order to penalize him. Thozhilalargal Munnetra Sangam affiliated to AICCTU. The management has also lodged a criminal complaint against him the petitioner was terminated from service on 04-11-2014. Earlier to termination a show cause notice was issued by the management to answer the charges framed against the petitioner. The said notice was issued by Advocate Mr. Edward Kumar. The petitioner has not participated in the enquiry. The petitioner was set *ex parte* and the Enquiry Officer submitted his enquiry report stating that the enquiry against the petitioner Krishnamoorthy were proved.

6. Thiru A. Ramamoorthy, Assistant Manager, H.R. Department of respondent company was examined as RW.1 and through him Ex.R.1 to Ex.R.14 were marked. Chief affidavit of RW.1 was filed. RW.1 deposed that the 1st petitioner Raji and the 2nd petitioner Krishnamoorthi were transferred to Paradeep, Orissa and Sangareddi, Hyderabad by transfer orders, dated 05-09-2013 and 10-09-2013 respectively. Both the petitioners stated that they received the orders of the transfer on the next day. On 13-09-2013 when the petitioners were called to discuss the matter regarding the transfer they have threatened the Breweries Manager and H.R. Manager with dire consequences. The respondent management has preferred complaint against the both the petitioners and F.I.R in Cr.No. 93/2013 was registered with Mettupalayam Police Station. The respondent management has charge sheeted the petitioners and one Advocate Mr. Edward Kumar was appointed as Enquiry Officer to conduct the domestic enquiry.

Both the petitioners refused to attend the enquiry and the letter, dated 30-12-2013 they have addressed to the Enquiry Officer that he should not write any letter to them. The Enquiry Officer has again sent a letter, dated 27-02-2014 and the same was returned as unclaimed. After recording the evidence of the management the Enquiry Officer proceeded *ex parte* and has given his report. Thereafter, the management has issued 2nd show cause notice, dated 18-09-2014 to show cause against the proposed punishment of dismissal from service. The Disciplinary Authority came to the conclusion that the petitioners are not fit persons to be retained in the service of the management and the management lost confidence in the petitioner and hence, awarded the punishment of dismissal from service with immediate effect. The petitioners after receiving the transfer orders has filed Suit in O.S. No.1902/2013 and O.S. 0.1899/2013 on the file of the I Additional District Munsif, Puducherry, for stating the order of the transfer. The petitioners has also threatened the Managers of the respondent management. On 17-06-2015, the Sica Breweries Thozhilalargal Munnetra Sangam affiliated to AICCTU has addressed the General-Manager of the respondent management to reinstate the petitioners failing which they will agitate against the management. Apart from the above the petitioners instigated the Union to disturb the production activities in the respondent factory. The Union has also placed a banner at the entrance of the respondent company demanding the management to reinstate the terminated workers. The respondent management has filed Civil Suit in O.S. No. 1334/2015 against the petitioners and others for permanent injunction restraining the petitioners from conducting any strike activity within the premises of the factory. After giving fair opportunity to the petitioners they were dismissed from the service considering the seriousness of the charges and prayed for dismissal of the claim of the petitioners.

7. The learned Counsel for the petitioners submit that the petitioners Raji and Krishnamoorthi wherein service of the respondent management from 10-11-1999 and 18-05-1999. Since, the petitioners were active members in the Sica Breweries Thozhilalargal Munnetra Sangam affiliated to AICCTU. The respondent management has transferred them to Orissa and Andhra Pradesh as a vindictive measure. The charges levelled against the petitioners are totally false and invented to substantiate the transfer orders. The petitioners were not appear before the Enquiry Officer since, they have no instruction or communication from the respondent that an enquiry was proposed against them and Thiru Edward Kumar was appointed as Enquiry Officer. Since, the petitioners has received the communication

from an Advocate they have not participated in the enquiry. The learned Counsel for the petitioner further submit that even in the transfer order the Manager, Human Resource has stated that he has taken this opportunity to thank for the contribution and look forward to your continued commitments to the organisation. Since, the petitioners were not attended the enquiry they were set *ex parte* and an *ex parte* report was filed by Advocate Mr. Edward Kumar. Even then, the said report has not discussed all the charges levelled against the petitioners and in fact the charge memo issued to both the petitioners contain one and the same charges which will established ulterior motive of the respondent. The learned Counsel for the petitioners further submitted that the order of the domestic enquiry was not communicated by the management and the enquiry was proceeded without participation of the petitioners. The whole domestic enquiry is vitiated since, the principles of the natural justice was not followed. The learned Counsel for the petitioners further submit that the respondent has not marked the F.I.R copy filed against the petitioners and the misconduct and the alleged misconduct was not properly proved and they have given maximum punishment of dismissal only with a view to suppress Trade Union activities.

8. The petitioner never used intemperate language against the Managers of the respondent company and they never indulged in altercation with the H.R. Manager. The allegation against the petitioners that they have threatened the managers of the respondent company that they will murdered them, if, the respondent company transfered the petitioner which is a false and concocted story. It is further submit that on 17-06-2015 the Trade Union has put up a board at the entrance of the respondent company to consider the reinstatement of the petitioners and others who were illegally terminated and there was no strike conducted by the Trade Union on the date. It was further contended that the respondent company in Puducherry is functioning for more than 30 years. In the said 30 years only 4 persons were transferred. The petitioners are poor illiterates and they do not know the implications of Law. The respondent management taking an advantage of the same has terminated them without giving proper opportunity and without following the principles of natural justice. The petitioners prayed for reinstatement of the services with back wages, continuity of service and other attendant benefits.

9. It is contended by the learned Counsel for the respondent that the petitioners were transferred on 05-09-2013 and 10-09-2013 to the factories site located at Orissa and Hyderabad respectively. On 13-09-2013 the petitioners threatened the Managers of the respondent

company with dire consequences thereafter a criminal complaint was lodged with Mettupalayam Police Station and F.I.R. in Cr.No. 93/2013 was registered. Since, the petitioners has not responded to the transfer orders, a show cause notice, dated 16-11-2013 was served on them. In the said show cause notice 8 Articles of charges were framed against them as per the standing orders of the company. Thiru Edward Kumar, Advocate was appointed as Enquiry Officer. Having received the intimation from the Enquiry Officer both the petitioners were refused to attend the domestic enquiry. Having provided with sufficient opportunity the petitioners failed to attend the enquiry and therefore, the Enquiry Officer proceeded the enquiry setting the petitioners *ex parte*. After examination of the respondent witnesses the Enquiry Officer found all the charges were proved against the petitioners and he submits his enquiry report. Even for the 2nd show cause notice, dated 18-09-2014 the petitioners were responded and thereafter, the respondent management considering the grave nature of the offence committed has passed dismissal order, dated 04-11-2014.

10. The learned Counsel for the respondent further submit that both the petitioners were inducted in the service of the company on 10-11-1999 and 18-05-1999 respectively. It is further contended that in the appointment order of the petitioners it is clearly mentioned that they are liable to be transferred within the factory premises or somewhere else. Having accepted the conditions the petitioners were joined the respondent company. When they were transferred to meet the urgent requirements of the company they failed to obey the order and protest against the management they have also threatened the Senior Managers of the respondent company and also used vituperative language against the officers of the respondent company. They have also exposed rude behaviour against the officers of the company. They failed to receive the transfer order and has approached the Civil Court for the stay of the transfer order. The learned Counsel for the respondent management further submit that the petitioners joined hands with the Union members and started strike in front of the company premises by putting up a banner in front of main gate of the respondent company. The respondent management was forced to file the Suit for injunction restraining the petitioners and other Union Members from conducting any strike or boycott within 500 metres from the respondent company premises. The respondent management having considered the enquiry report of the Enquiry Officer as found both the petitioners guilty of serious misconduct and has issued the dismissal order, dated 04-11-2014. The petitioners having threatened the

Managers of the respondent company with dire consequences and also deliberately absent themselves from attending the enquiry and using intemperate language as against the officials of the respondent management. They are not entitled for reinstatement and also they are not entitled for any other reliefs since, they have not worked in the respondent company from the date of issuance of transfer order.

11. This Court has carefully considered the rival submissions and the list of documents filed in this case.

12. This reference is made by the Government to adjudicate upon the issue of non-employment of the petitioners and for reinstatement with back wages with other statutory benefits. As per the records available both the petitioners were appointed on 10-11-1999 and 18-05-1999. The issue arose when the respondent management has transferred both the petitioners by transfer orders, dated 05-09-2013 and the factory site at Orissa and Hyderabad. The transfer orders Ex.R1 and R2 were received by the petitioners on the date of issue, but, they have promised to receive the transfer order on the next day which was endorsed by the respondent management in Ex.R1 and R2. The respondent management has contended that the employment of the petitioners are given to them with a condition that they will be transfer within the factory premises or somewhere else which includes the factory site situated in other states. In this respect, the learned Counsel for the respondent has pointed out clause-9 of Ex.P3 and Ex.P10 appointment order. On contrary the learned Counsel for the petitioner has stated the transfer to somewhere else is not find place in the standing orders of the respondent company. The certified standing orders was not marked before this Court by both sides.

13. The petitioners served the show cause notice, dated 16-11-2013 marked as R3 and R4. In the said show cause notice the management has mentioned 8 misconducts which warrants disciplinary action as against the petitioners. The relevant clause of stand orders in respect of the alleged misconduct has as follows:

14.02.01 – Willful insubordination and Disobedience

14.02.09 – Misbehaviour towards Department Head

14.02.11 – Riotous or Disorderly behaviour

14.02.21 – Threatening Superior

14.02.27 – Refusal to receive the notice issued to you

14.02.36 – Refusal to accept transferred

14.02.64 – Refusal to accept any communication issued by the Management.

14.02.73 – The use of abusive or disrespectful language and rude behaviour to superior. Having received the transfer orders, the petitioners has filed Civil Suit in O.S. No. 1902/2013 and O.S. No. 1899/2013 for the said matter transfer orders. In the meanwhile, the respondent has filed complaint against the petitioners for having threatened the management in filthy language and criminal intimidated them with dire consequences. Both the parties has not filed the complaint or the F.I.R. registered in Cr.No. 93/2013 before this Court. The petitioners were also suspended immediately.

14. Thiru Edward Kumar, Advocate was appointed as a Enquiry Officer to enquire about the misconduct of the petitioners. The Enquiry Officer has intimated the date of enquiry to the petitioners. Both the petitioners received the letters sent by the Enquiry Officer who they have not turned up for the enquiry. Since, the same was sent by an Advocate and there was no notice of appointment of Enquiry Officer was intimate by the management to the petitioners. The Enquiry Officer by sending another notice has intimated the date of enquiry for which there is no respond from the petitioners. The Enquiry Officer proceeded to record *ex parte* evidence of the respondent officials and has filed his enquiry report stating that all the charges levelled against the petitioners stands proved.

15. Transfer orders were issued against the petitioners on 05-09-2013 and 10-09-2013, but, the complaint with Mettupalayam Police Station was given against the petitioners on the same date with same allegation in the show cause notice the charges levelled against the petitioners are one and the same. It is not clear from the evidence from the respondent witnesses that who actually threatened the respondent management officials with what words. The specific overtact done by the petitioners was not properly explained by the respondent side. The respondent has caused another show cause notice along with the report of the Enquiry Officer to offer the explanation as to why the petitioners should not be terminated from the service. The respondent having considered that there was no indicating circumstances as issue Ex.R11 and R12 dismissal order.

16. The respondent management having started the domestic enquiry by appointing an Enquiry Officer are who have properly informed the petitioners who are the workers under the management. The contention of the petitioners is that since, they have issued notice from an Advocate they have not appeared on the enquiry date.

17. Before the issuance of transfer order there was no previous misconduct proved against the petitioners. There is no evidence that the petitioners involved in

strike and cause interference for the production which ended in loss of business. However, clause – 9 of the transfer orders of the petitioner is from specific and clear that the petitioners can be transferred somewhere else. The transfer of an employee is the part of conditions of service and the employee is bound to obey the order of transfer if, it is not done with *mala fide* motive. The contention of the petitioner is that since, they involved in Trade Union activities, the respondent management has issued the transfer order to victimize the petitioners and also suppressed the Trade Union activities. The abovesaid contention was not established by the petitioners. It is the management to assess sand finalise how to distribute its employees to different branches.

18. The respondent management is not clear as to what was the disrespectful language used by the petitioner and what was the rude behaviour exhibited by them on the specific date. The failure on the part of the respondent management to intimate the petitioners as to initiation of domestic enquiry by appointing Thiru Edward Kumar as an Enquiry Officer is certainly a lacuna on the part of the respondent management which is against the principles of natural justice.

19. In the transfer orders issued by the respondent management, the Manager, Human Resource has stated that “we takes this opportunity to thank you for your contribution and look forward to your continued commitment to the organization’s Vision, Mission and Goals” which clearly established that there is no previous misconduct as against both the petitioners. On the petitioner side it is contended that out of frustration due to sudden transfer they were hesitant to receive the transfer orders in time.

20. The criminal case instituted upon the complaint preferred by the management is still pending. The Enquiry Officer has not individually deal with each and every charges and given finding in respect of individual charges. The Enquiry Officer has simply stated that the charges were proved against the petitioners. This Court is of the opinion that the order of transfer issued against the petitioners is not with *mala fide* intention. This Court has considered the long period of service held by the petitioners in the respondent company. Even now, the petitioners are not employed. This Court is of the considered opinion that the order of dismissal from service is highly excessive on considering the nature of charges levelled against the petitioners. The Industrial Disputes Act is a beneficial legislation keeping the balance between the company on the one part of the labours on the other part to maintain natural peace and stability. Under Article 21 of the Constitution

the right to life is not mere animal existence but, to live in decent environment. The petitioners could not live with human dignity when decent employment. Keeping the above in mind this Court is inclined to direct the respondent management to reinstate the petitioners. Since, the petitioners were not attended the duty with respondent company from the date of issuance of transfer order, they are not eligible for any wages by applying the principle of "no work, no pay". However, this Court is inclined to reinstate the petitioners with continuity of service. The respondent management is at liberty to fix the place of posting of the petitioners considering the present requirements of the respondent company.

21. In the result, this petition is partly allowed. The respondent management is directed to reinstate the petitioners in the service of the respondent company with continuity of service. The petitioners are not entitled for any back wages. The respondent management is directed to issue the order of reinstatement and posting orders to the petitioners within the period of one month from the date of this order. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court on this the 26th day of August, 2021.

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witnesses:*

PW.1 — 14-03-2018 K. Raji

PW.2 — 08-08-2019 V. Krishnamoorthi

*List of petitioner's exhibits:*

Ex.P1 — 30-01-2017 Failure Report issued by the Labour Officer (Conciliation), Puducherry.

EX.P2 — 05-04-2017 Notification of the Labour Department, Puducherry.

EX.P3 — 10-11-1999 Appointment Order of K. Raji issued by the Sica Breweries.

EX.P4 — 10-09-2013 Transfer Order to K. Raji issued by the Sica Breweries.

Ex.P5 — 04-11-2014 Dismissal letter to Raji issued by the Sica Breweries.

Ex.P6 — 16-09-2013 Show Cause letter to K. Raji issued by SAB India Miller.

Ex.P7 — 31-05-2015 Letter by K. Raji to Sica Breweries.

Ex.P8 — 30-05-2015 Reply letter to Raji issued by Sica Breweries.

Ex.P9 — 25-08-2014 Enquiry Report submitted by the Advocate Edward Kumar.

Ex.P10 — 18-05-1999 Appointment Order of V. Krishnamoorthi issued by Sica Breweries.

Ex.P11 — 05-09-2013 Transfer Order of V. Krishnamoorthi issued by Sica Breweries.

Ex.P12 — 04-11-2014 Dismissal letter to V. Krishnamoorthi issued by Sica Breweries.

*List of respondent's witness:*

RW.1 — 22-11-2019 Ramamoorthy

*List of respondent's exhibits:*

Ex.R1 — 10-09-2013 Copy of the Transfer Order to the 1st Petitioner.

Ex.R2 — 05-09-2013 Copy of the Transfer Order to the 2nd Petitioner.

Ex.R3 — 16-09-2013 Copy of the Suspension letter issued by the company to the 1st Petitioner.

Ex.R4 — 16-09-2013 Copy of the Suspension letter issued by the company to the 2nd Petitioner.

Ex.R5 — 30-11-2013 Copy of the letter issued by the 1st Petitioner to the Enquiry Officer by name Edward Kumar.

Ex.R6 — 30-11-2013 Copy of the letter issued by the 2nd Petitioner to the Enquiry Officer by name Edward Kumar.

Ex.R7 — 25-08-2014 Copy of the Enquiry Report against the 1st Petitioner.

Ex.R8 — 25-08-2014 Copy of the Enquiry Report against the 2nd Petitioner.

- Ex.R9 — 18-09-2014 Copy of the Show Cause notice issued to the 1st Petitioner by the Manufacturing Manager K. Muralidharan.
- Ex.R10 — 18-09-2014 Copy of the Show Cause notice issued to the 2nd Petitioner by the Manufacturing Manager K. Muralidharan.
- Ex.R11 — 04-11-2014 Copy of the termination order of 1st Petitioner issued by Manufacturing Manager K. Muralidharan.
- Ex.R12 — 04-11-2014 Copy of the termination order of 2nd Petitioner issued by Manufacturing Manager K. Muralidharan.
- Ex.R13 — 17-06-2015 Copy of the Agitation notice issued by the Trade Union to the General-Manager.
- Ex.R14 — 09-10-2019 Copy of the Power of the Attorney issued to RW.1-Ramamoorthy.

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

(G.O. Rt. No. 67/AIL/Lab./T/2021,  
Puducherry, dated 6th October 2021)

**NOTIFICATION**

Whereas, an Award in I.D. (L) No. 16/2018, dated 18-08-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the Industrial Dispute between the management of M/s. AUM Hospitals, Sathagiri Thottam, Solai Nagar, Muthialpet, Puducherry and Tmt. R. Santhi and P. Kalaivani, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed

by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**D. MOHAN KUMAR,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT AT PUDUCHERRY**

*Present* : Thiru R. BHARANIDHARAN, M.L.  
Presiding Officer.

*Wednesday, the 18th day of August 2021.*

**I.D. (L) No. 16/2018**

**in**

**CNR. No. PYPY060001032018**

1. Tmt. R. Santhi,  
No. 6, Viswanathan Nagar,  
Thirugnanasambandham Street,  
Muthialpet, Puducherry.

2. Tmt. Kalaivani ,  
No. 17, Ganapathi Nagar,  
Irulansandai,  
Villupuram Main Road,  
Bahour Commune,  
Puducherry.

. . Petitioner

*Versus*

The Managing Director,  
M/s. AUM Hospitals,  
Sathagiri Thottam,  
Solai Nagar Main Road,  
Muthialpet,  
Puducherry.

. . Respondent

This Industrial dispute coming on 09-08-2021 before me for final hearing in the presence of Thiru R.T. Shankar, Counsel for the petitioners, Thiruvalargal J. Cyril Mathias Vincent and A. Anuradha, Counsel for the Respondent, the respondent being called absent and set-*ex parte*, upon hearing the petitioners and perusing the case records, this Court passed the following:

**AWARD**

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 31/AIL/Lab./T/2018, dated 06-03-2018 of the Labour Department, Puducherry, to resolve the following dispute between the petitioners and the respondent, *viz.*,

(a) Whether the dispute raised by the petitioners Tmt. R. Santhi and P. Kalaivani, Puducherry, against the management of M/s. AUM Hospitals,



Puducherry, situated at Sapthagiri Thottam, Solai Nagar, Muthialpet, Puducherry, over non-employment is justified or not? If justified, what relief they are entitled to?

(b) To compute the relief, if any, awarded in terms of money if, it can be so computed?

2. On the respondent side Thiru J. Cyril Mathias Vincent has filed form – F. Since, the respondent failed to file their counter, the respondent was set-*exparte*.

3. In the course of enquiry, on the side of the petitioner PW.1 was examined and Ex.P1 to Ex.P6 were marked.

#### 4. *Points for consideration:*

Whether the dispute raised by the petitioners Tmt. R. Santhi and P. Kalaivani, Puducherry, against the management of M/s. AUM Hospitals, Puducherry, situated at Sapthagiri Thottam, Solai Nagar, Muthialpet, Puducherry, over non-employment is justified or not and if justified, what is the relief entitled to the petitioners.

5. The petitioners Santhi and Kalaivani has filed joint claim petition and stating that they were joined in the respondent management as ward attendant on 01-04-2009 and 18-08-2009 respectively. They were attended various works like cleaning the hospital wards, cleaning the beds and bed sheets, dressing the patients, assisting the staff in blood testing and they were getting monthly salary of ₹ 5,940 and they were in the services of the respondent management for about 8 years. The respondent management has extended the ESI and EPF benefits to the petitioners on par with permanent employees. The petitioners worked more than 240 days of service within a period of 12 calendar months, but, the respondent management has not regularised the petitioners. The management without assigning any valid reasons and without conducting any enquiry and without issuing any termination order has stopped the petitioners from attending the regular work with ulterior motive. The respondent has acted in violation of 25 F of the Industrial Disputes Act and also against the principles of natural justice. The petitioners prayed for reinstatement with full back wages and continuity of services.

6. On the petitioner side Tmt. Kalaivani was examined as PW1, through her Ex.P1 to Ex.P6 were marked. In the evidence of PW1 Kalaivani has deposed that the petitioners were appointed as attendant with the respondent hospital from 01-04-2009 and 18-08-2009 from which date onwards both of them were in continuous service of the respondent till they were stopped at the main gate on 25-03-2017 without assigning any valid reasons and without issuing any termination orders. The respondent management for a

long time utilised the services of the petitioners and exploited their tender age and has not considered the various benefits entitled to the petitioners as per the labour enactments. The petitioners are facing untold hardship without employment and without any earnings.

7. To prove the case of the petitioners they have filed Ex.P1 which is the letter addressed by the Conciliation Officer to the Secretary to Government, Labour Department, Puducherry, dated 14-02-2018, wherein, the Conciliation Officer has stated that both the petitioners and the management were appeared for Conciliation and Conciliation process was not fructified and hence, the matter was referred for adjudication.

8. In Ex.P2 letter, dated 05-04-2017 both the petitioners were sent letter to the Administrative Manager, AUM Hospital for their reinstatement in service. Ex.P6 is the appointment letter, dated 18-08-2009 issued by the respondent to the petitioner Kalaivani. Ex.P3 is the employment confirmation letter issued by the respondent management to the petitioners Santhi and Kalaivani, dated 01-09-2009 and 18-01-2010 respectively wherein, the respondent management has confirmed the services of the both the petitioners. The respondent management has also issued Identity Cards for both the petitioners. The petitioners have also filed their salary slips for the month of October 2016 in respect of petitioner Santhi and November 2016 in respect of petitioner Kalaivani. It is evident from Ex.P3 the services of petitioners Santhi and Kalaivani were confirmed and their service conditions continue to remain unchanged as per the employment confirmation letter. The salary slips of the petitioners for the month of October 2016 and November 2016 would go to show that they were in continuous service of the respondent hospital. Admittedly, though the respondent appeared through Counsel, they were not inclined to file counter. On the petitioner side by filing Ex.P1 to Ex.P6 the petitioners have categorically established that both the petitioners were employed by the respondent management and they were in continuous service of the respondent management for more than 8 months. Admittedly, there is no notice of termination or any disciplinary enquiry conducted against the petitioners for any lapses. The petitioners were all of a sudden not permitted to attend the work on 25-03-2017 without issuing any termination order. No statutory notice was issued against the petitioners as per the terms of employment.

9. Right to life enshrined in Article 21 of the Constitution is not mere animal existence, but, right to a decent living with human dignity. From the discussion above made this Court is of the concrete opinion that

the termination of the petitioners is not in accordance with established principles of law and natural justice. This Court is of the further opinion that the non-employment of the petitioners is not justified.

10. In the result, the petition is allowed. Both the petitioners are entitled for reinstatement with the respondent management with full back wages and continuity of service. No costs.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the open Court, on this the 18 th day of August, 2021.

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witness:*

PW.1 — 09-08-2021 Kalaivani

*List of petitioner's exhibits:*

Ex.P1 — 14-02-2018 Xerox copy of the Failure report, submitted by the Labour Officer, Conciliation, Puducherry.

Ex.P2 — 05-04-2017 Xerox copy of the letter sent by the petitioners to the respondent management.

Ex.P3 — 01-09-2009 & 18-01-2010 Xerox copy of the Confirmation Order issued by the respondent management to the petitioners.

Ex.P4 — Xerox copy of the Identity Card issued by the respondent management to the Petitioners.

Ex.P5 — Xerox copy of the Salary Slips issued by the Respondent management to the Petitioners for the month of October 2016 and November 2016.

Ex.P6 — 18-08-2009 Xerox copy of the Appointment Order issued by the respondent management to the Petitioners.

*List of respondent's witnesses:* Nil

*List of respondent's exhibits:* Nil

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY**  
**LABOUR DEPARTMENT**

(G.O. Rt. No. 68/AIL/Lab./T/2021, Puducherry,  
dated 06th October 2021)

**NOTIFICATION**

Whereas, an Award in I.D.(L) No. 27/2020, dated 25-08-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the industrial dispute between the Management of M/s. Faber Sindoori Management Services Private Limited, Puducherry, and Union workmen, represented by Puthuvai Manila Pattali Thozhir Sangam, Rajiv Gandhi Government Women and Children Hospital Contract Employees Union, Puducherry, over enhancement of retirement age from 58 years to 60 years has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/LAB/L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour), that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**D. MOHAN KUMAR,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT AT PUDUCHERRY**

*Present :* Thiru R. BHARANIDHARAN, M.L.,  
Presiding Officer, Labour Court.

*Wednesday, the 25th day of August 2021*

**I.D. (L) No. 27/2020 in  
C.N.R.No. PYPY060000652020**

The President,  
Puthuvai Manila Pattali Thozhir Sangam,  
Rajiv Gandhi Government Women and  
Children Hospital Contract Employees Union,  
100 Feet Road, Ellaipillaichavady,  
Puducherry. . . Petitioner

*Versus*

The Managing Director,  
M/s. Faber Sindoori Management  
Services Private Limited,  
No.25 & 26, Prince Towers,  
7th Floor, College Road,  
Nungampakkam, Chennai. . . Respondent.

This industrial dispute coming on this day before me for hearing, upon perusing the records, this Court passed the following :

#### AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No.120/AIL/LAB/T/2020, dated 11-11-2020 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,

(i) Whether the dispute raised by the Union workmen represented by Puthuvai Manila Pattali Thozhir Sangam, Rajiv Gandhi Government Women and Children Hospital Contract Employees Union, Puducherry, against the management of M/s. Faber Sindoori Management Services Private Limited, Puducherry, over enhancement of retirement age from 58 to 60 years is justified or not? If justified, what relief the Union workmen are entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. Today, when the case came up for hearing, petitioner notice served, respondent notice returned as 'Left'. Petitioner called absent. No representation. The notices sent to the petitioner for the hearing dates on 23-01-2021, 26-04-2021 and 25-08-2021 were served. But, the petitioner not turned up. Notices sent to the respondent for four times returned as left. No useful purpose will be served by keeping the reference pending. Hence, the reference is closed.

Written and pronounced by me in the open Court, on the 25th day of August, 2021.

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

#### GOVERNMENT OF PUDUCHERRY LABOUR DEPARTMENT

(G.O. Rt. No. 71/AIL/LAB/T/2021, Puducherry,  
dated 06th October 2021)

#### NOTIFICATION

Whereas, an Award in I.D. (T) No. 07/2020, dated 18-08-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the Industrial Dispute between the management of M/s. Puducherry Institute of Medical Sciences, Kalapet, Puducherry and the Union workmen, represented by Bharatheya Puducherry Maruthuva Vingana Niruvana Thozhilalar Sangam,

Puducherry, over charter of demands such as to revise the basic wages by ₹ 12,000; to grant an Annual Increment of ₹ 3,000; to grant promotion to employees who have completed 10 years of service with an increment of ₹ 2,000; to provide Canteen facilities at subsidized rates and other allowances, *etc.*, has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by Secretary to Government (Labour), that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**D. MOHAN KUMAR,**  
Under Secretary to Government (Labour).

#### BEFORE THE INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT AT PUDUCHERRY

*Present :* Thiru R. BHARANIDHARAN, M.L.,  
Presiding Officer, Labour Court.

*Wednesday, the 18th day of August 2021*

**I.D. (T) No. 07/2020 in  
C.N.R.No. PYPY060000652020**

The Secretary,  
Bharatheya Puducherry Maruthuva Vingana  
Niruvana Thozhilalar Sangam,  
No. 3, Mettu Street, Chinna Kalapet,  
Puducherry. . . Petitioner

*Versus*

The Managing Director,  
M/s. Puducherry Institute of Medical Sciences,  
Kalapet, Puducherry. . . Respondent.

This Industrial Dispute coming on this day before me for hearing, in the presence of Thiru L. Sathish, Counsel for the respondent, on record, the petitioner remained absent, no representation have been made on his behalf, upon perusing the records, this Court passed the following:

#### AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No.147/AIL/LAB/T/2019, dated 31-12-2019 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,

(i) Whether the dispute raised by the Union workmen, represented by Bharatheya Puducherry Maruthuva Vingana Niruvana Thozhilalar Sangam, Puducherry, against the management of M/s. Puducherry Institute of Medical Sciences, Kalapet, Puducherry, over charter of demands such as to revise the basic wages by ₹ 12,000; to grant an Annual Increment of ₹ 3,000; to grant promotion to employees who have completed 10 years of service with an increment of ₹ 2,000; to provide Canteen facilities at subsidized rates and other allowances, *etc.*, are justified or not? If justified, what relief the Union workmen are entitled to?

(ii) To compute the relief if any, awarded in terms of money if, it can be so computed?

2. Today, when the case came up for hearing, notice served on the petitioner. No representation for the petitioner. Respondent Counsel present. Already notice served on the petitioner on 01-04-2020 to 26-04-2021. But, the petitioner not turned up. Hence, the reference is closed for the non-appearance of the petitioner.

Written and pronounced by me in the open Court, on this 18 th day of August, 2021.

**R. BHARANIDHARAN,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY**  
**DIRECTORATE OF SCHOOL EDUCATION**

*No. 215-224/DSE/HSW/EC/SSLC/2021.*

*Puducherry, the 05th October 2021.*

**NOTIFICATION**

It is hereby informed that the following candidates have lost their original SSLC Examination Mark Certificates beyond the scope of recovery, the necessary steps have been taken to issue duplicate certificates. If, anyone finds the original mark certificate(s), it/they may be sent to the Secretary, State Board of School Examinations(SEC), College Road, Chennai – 600 006 for cancellation, as it is/they are no longer valid.

Sl. No.	Name of the applicant	Register No. session and year	Sl. No. of the mark certificate	School in which studied last
(1)	(2)	(3)	(4)	(5)
Tmt./Selvi/Thiru :				
1	Sobina V	1854892, March 2013	2302422	Thiruvalluvar Government Girls' Higher Secondary School, Puducherry.
2	Sharma B	602679, March 2010	8168359	Holy Flowers Higher Secondary School, Kariyamanickam, Puducherry.
3	Soubramaniane Siva R	324019, March 1995	AA 3202588	Bharathi Government Higher Secondary School, Bahour, Puducherry.
		680873, April 1998	AA 5745543	Private Study
4	Pydimalla Jagadeesh Kumar	1682628, March 2016	—	KSP Higher Secondary School, Kathirkamam, Puducherry.
5	Selvaganapathi M	5006631, March 2015	5299733	Thanthai Periyar Government Girls' Higher Secondary School, Ariyankuppam, Puducherry.
6	Prabavathy P	365234, March 1999	06307348	Kalaingar Karunanithi Government Higher Secondary School, K.T. Kuppam, Puducherry.